

implementation of the rule. The implementation of the...

SENATOR CROSBY: One minute.

SENATOR CHAMBERS: ...rule will not actually result in a taking. But there is a potential for a taking of a certain type of property if such a certain type of property is out there. Isn't that possible?

SENATOR WICKERSHAM: I believe you've restated what I stated earlier.

SENATOR CHAMBERS: So there are two ways...there are two points at which to look at the word potential. Well, I'm running out of time, so I won't pursue that right now. But I am going to continue with that. But under what circumstances could there be a taking without compensation, Senator Wickersham?

SENATOR WICKERSHAM: Usually those are an exercise of the police power, for example, the abatement of a nuisance.

SENATOR CHAMBERS: Well, if it's a nuisance, why should there have to be compensation given, because a nuisance, by definition, is an improper use of property in a way that impinges on the enjoyment...

SENATOR CROSBY: Time.

SENATOR CHAMBERS: ...by other people of their property.

SENATOR CROSBY: Thank you, Senator Chambers. Senator Bromm, on the Jones amendment.

SENATOR BROMM: Thank you, Madam President, fellow senators. I want to go back to where we were perhaps a little bit after the last discussion on LB 168 and the adoption of my amendment which dealt with the privileged aspect of the communication of the Attorney General to the agency with respect to his review of the regulation. After that discussion I met with a representative of the Attorney General's office, as well as Senator Wickersham and Senator Jones, and we kicked around how this might be implemented and also asked some questions that at least I didn't know the answer to. For the clarification of the body it has been the custom of the Attorney General's office, in the past, for their communication on the review of the proposed regulation